

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 30, 1976

10:00 A.M.

Council Chambers  
301 West Second Street

---

The meeting was called to order with Mayor Friedman presiding.

## Roll Call:

Present: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Hofmann, Lebermann, Linn, Trevino

Absent: Councilmember Himmelblau

## APPROVAL OF MINUTES

Councilmember Lebermann moved that the Council approve the Minutes for December 16, 1976, and Special Meetings of December 17, 1976, December 21, 1976, and December 22, 1976. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell\*, Councilmembers Hofmann,  
Lebermann, Linn, Trevino

Noes: None

Absent: Councilmember Himmelblau

\*Mayor Pro Tem Snell abstained on the Minutes of Special Meeting  
of December 22, 1976.

## RECOGNITION OF CITY EMPLOYEE

Mayor Friedman read and then presented a resolution to Phillip E. Morgette commending him for his important contributions and years of service to the City. Mr. Morgette expressed his thanks to the Council for the recognition.

## LINKS, INC. DAY

Mayor Pro Tem Snell read and then presented a proclamation to Mrs. Marshall and Mrs. Houston proclaiming Thursday, December 30, 1976, as "Links, Inc. Day" in Austin and urged all citizens to join in recognizing that fine group of women for their dedicated efforts on behalf of the Austin community. Mrs. Marshall accepted the proclamation and thanked the Council.

## RECOGNITION OF RETIRING CITY EMPLOYEE

The Mayor read and then presented a resolution to Doratha M. Henderson recognizing her 20 years of faithful service to the City of Austin. Ms. Henderson accepted the resolution, introduced her family and then thanked the Council.

## VOLUNTEER BLOOD DONOR MONTH

Mayor Friedman read and then presented a proclamation to Mr. John Kemp proclaiming January, 1977, as "Volunteer Blood Donor Month" in Austin and urged all citizens to participate in the observance by urging their friends to pledge or donate a unit of blood. Mr. Kemp accepted the proclamation and thanked the Council. He stated that the Austin Blood Bank was a model in providing the total blood needs for not only Austin, but the central Texas area.

## ZONING HEARINGS

Mayor Friedman announced that the Council would hear the zoning cases scheduled for 10:00 a.m. for public hearing at this time. Pursuant to published notice thereof, the following zoning cases were publicly heard.

Zoning Cases Postponed

JUNIOR HELPING HAND	406 West 38th Street	From "A" Residence
HOME FOR CHILDREN	also bounded by Avenue	1st Height and Area
By Robert C. Duke	B and West 38-1/2 Street	To "B" Residence
& Richard Baker		1st Height and Area
C14-76-111		RECOMMENDED by the Planning
		Commission subject to the
		applicant granting the City an
		option to purchase fifteen
		feet of right-of-way on West
		38th Street and 10 feet of
		right-of-way on Avenue B.

Councilmember Linn moved that the Council postpone the zoning case until 10:00 a.m., January 13, 1977. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Hofmann, Lebermann,  
Linn, Trevino, Mayor Friedman  
Noes: None  
Absent: Councilmember Himmelblau

The Mayor announced that the zoning case had been POSTPONED.

MARY T. STUMPF  
ESTATE  
By John R. Harris  
C14-76-107

808 West 11th Street

From "B" Residence  
2nd Height and Area  
To "O" Office  
2nd Height and Area  
RECOMMENDED by the Planning  
Commission

Mr. Dick Lillie reviewed the application and stated that plans were to move an old house, the Moffitt House, onto the property and use it for an office. TED SIFF appeared before the Council to request that the zoning change be granted subject to a restrictive covenant stating that the zoning be with the conditions that the plans stated by Mr. Lillie be carried out. After some discussion, the Council postponed the hearing since the applicant was not present.

Councilmember Linn moved that the Council postponed the zoning case until 10:00 a.m., January 13, 1977. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Friedman, Mayor Pro Tem Snell  
Noes: None  
Absent: Councilmember Himmelblau

The Mayor announced that the zoning case had been POSTPONED.

Zonings Granted

ANNCO  
By Bryant-Curington  
C14-76-104

1800 Rutland Drive

From "BB" Residence  
1st Height and Area  
To "A" Residence  
1st Height and Area  
RECOMMENDED by Planning Comm.

Mr. Dick Lillie stated that the subject case was a request for rollback zoning. The other half of the subdivision would be before the Council next month for rollback.

Councilmember Linn moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Friedman, Mayor Pro Tem Snell  
Noes: None  
Absent: Councilmember Himmelblau

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

JIM GLENDENING  
By Larry Oldham  
C14-76-109

4107 South 1st Street  
also bounded by Normandy  
Street

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Mr. Dick Lillie reviewed the application and stated that the Planning Commission felt that "O" Office was more preferable than commercial zoning.

Councilmember Linn moved that the Council grant the change to "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Hofmann, carried by the following vote:  
(Applicant not present)

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,  
Mayor Pro Tem Snell, Councilmember Hofmann

Noes: None

Absent: Councilmember Himmelblau

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

#### Zoning-Referred Back

AMERICAN BANK,  
EXECUTOR  
By Ed Padgett  
C14-76-106

904 West 23rd Street,  
also bounded by West  
24th Street

From "B" Residence  
1st Height and Area  
To "C" Commercial  
3rd Height and Area  
NOT Recommended by the Planning  
Commission

Mr. Dick Lillie stated that Mr. Padgett had submitted a letter amending his application from "C" Commercial, 3rd Height and Area District to "B" Residence, 3rd Height and Area District. Six votes would still be required by the Council due to the additional height and area needed. Mr. Padgett had requested that the application be referred back to the Planning Commission for a new public hearing for the following reasons:

1. The Planning Commission did not consider "B" Residence, 3rd Height and Area District.
2. Opposition of area property owners.
3. A request by Mr. Mike McHone for Historic Landmark Commission to look at the structure on the southern portion of the subject tract.
4. To present additional information by the applicant.

Councilmember Lebermann moved that the Council refer the case back to the Historic Landmark Commission and the Planning Commission for new public hearings. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Hofmann, Lebermann

Noes: None

Absent: Councilmember Himmelblau

#### REPORT ON CONGRESS AVENUE BRIDGE

HERB MANDELL, Consulting Engineer with Parsons Brinckerhoff Quade & Douglas, Inc., summarized the report prepared by his firm through a slide presentation. Six alternative solutions were presented concerning the bridge, as follows:

No.	Description	Traffic Lanes	Retain Exist. Arches	Effect On Existing Profile Grade	Est. Const. Time (Months)	Est. Yearly Maint. Cost	Est. Const. Cost* (\$millions)
1A	New Super-structure, Orthotropic Steel Deck	5	Yes	Raise 2-1/2"±	24	\$16,000	6.9
1B	New Super-structure, Composite Steel Stringers	5	Yes	Raise 14-1/2"±	24	\$12,000	5.7
1C	New Super-structure, Prestressed Concrete Stringers	5	Yes	Raise 22"±	22	\$ 1,000	3.6
2	Widen Existing Structure	5	Yes	None	36	\$ 2,500	8.5
3	Repair Existing Structure	2 or 3	Yes	None	16	\$ 3,500	1.7
4	New Super-structure, Prestressed Concrete	5	No	None	26	\$ 600	4.4

\*Structural cost only. Does not include ROW costs or costs for modifications to approaches or intersections.

December 30, 1976

Alternatives 1A, 1B, 1C, 2 and 4 dealt with a five-lane structure, while alternative 3 dealt with repairing the existing four-lane structure, with traffic restricted to two or three lanes.

Mr. Mandell discussed the various alternatives, their advantages and disadvantages and costs. Under alternative 1C, the grade would have to be raised and would require some additional construction costs for the south approach, possibly as much as \$200,000. That solution would still be less expensive than alternative 4. The consulting engineers recommended alternative 1C as the best choice. Under alternative 1C, construction time would be approximately 22 months, with the bridge being closed for about 14 months.

Councilmember Trevino pointed out that annual maintenance costs under alternative 1C would be less than most of the other alternatives. Mr. Mandell stated that high maintenance costs under alternatives 1A and 1B were due to having to paint the steel. Alternatives 2 and 3 required higher maintenance costs because the old structure would be retained, would continue to deteriorate and would require constant patching of the concrete. Alternative 4 had the lowest annual maintenance cost because it would be an all new superstructure. However, Mr. Mandell did not believe the additional cost for the structure would justify the lower maintenance cost.

Deputy City Manager Reed stated that the staff felt that there were only two real alternatives: Alternative 3 and Alternative 1C. The staff recommended Alternative 1C.

Councilmember Trevino stated that if certain types of money were used to pay for the bridge then other projects would be delayed. Mr. Joe Ternus stated that no projects would be delayed. Deputy City Manager Reed stated that no projects would be delayed which the Council had previously acted upon and allocated funds for. There were some 1977-78 and later Capital Improvement Program projects for which no funds were now available. Some of those projects could be funded if the money were not spent for the bridge.

In response to Mayor ~~Proff~~ Tem Snell's question, Mr. Mandell stated that under Alternative 3, estimated construction time was 16 months. The bridge would have to be closed about 12 to 13 months. A five-lane plan would have the bridge out of service for the least amount of time because two lanes could be opened.

In response to Mayor Friedman's question, Mr. Ternus stated that it would be about two years before the Highway Department began additional work on I. H. 35 in the vicinity of Town Lake. In response to Mayor Friedman's question, Mr. Ternus stated that with the other bridges, it was not a weight problem, but a traffic flow problem.

The Council accepted the report, but took no action at this time.

#### FEDERAL AID - URBAN PROGRAM

Deputy City Manager Homer Reed noted that this report was submitted to the Council and was related to the Congress Avenue Bridge report and no action is requested.

## RELEASE OF EASEMENTS

Councilmember Linn moved that the Council adopt a resolution authorizing release of the following Easement:

The Public Utilities Easement ten (10.00) feet in width and centered on the common lot line of Lots 9 and 10 Block 1, Manchaca Estates, a subdivision in the City of Austin, Travis County, Texas. (Requested by Mr. Jack H. Peterson, owner of the north one-half (1/2) of Lot 9, and the south one-half (1/2) of Lot 10, Block 1, Manchaca Estates)

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Hofmann, Linn, Trevino

Noes: None

Absent: Councilmember Himmelblau

Not in Council Chamber when roll was called: Councilmember Lebermann

Councilmember Linn moved that the Council adopt a resolution authorizing release of the following Easement:

The Drainage and Public Utility Easement on the west five (5.00) feet of Lot 23A, Block F, Scenic Brook West, Section Two, Phase One, a subdivision in Travis County, Texas. (Requested by Mr. James Carrol Moore, owner of Lot 23A, Block F)

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Hofmann, Linn, Trevino

Noes: None

Absent: Councilmember Himmelblau

Not in Council Chamber when roll was called: Councilmember Lebermann

## SETTING PUBLIC HEARING ON ANNEXATION

Councilmember Linn moved that the Council set a public hearing on January 20, 1977, at 4:00 p.m. to consider annexing the following:

52.49 acres of land out of and a part of the Theodore Bissel League in Travis County, Texas. (Initiated by the City of Austin Case No. C7a-76-015)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor Friedman

Noes: None

Absent: Councilmember Himmelblau

Mayor Friedman noted that there would be an item on the agenda for January 6, 1977, to reschedule the Council meeting of January 20, 1977, from 7:00 p.m. to 3:30 p.m., and just have the public hearing on the MoPac Environmental/Design Study start at 7:00 p.m., January 20, 1977.

#### APPROACH MAIN CONTRACT

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing the following Approach Main Contract:

HIXON PROPERTIES, INC.	- Construction of an 8" wastewater main to serve Riverside Divide, Section 3. No cost to City
------------------------	---

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino,  
Mayor Friedman, Mayor Pro Tem Snell  
Noes: None  
Absent: Councilmember Himmelblau

#### AMENDMENT TO CONTRACT WITH MERCHANTS AND PROFESSIONAL BUREAU

Councilmember Linn moved that the Council adopt a resolution authorizing an amendment to contract with Merchants and Professional Bureau to collect unpaid bills for the Department of Emergency Medical Services. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Friedman  
Noes: None  
Absent: Councilmember Himmelblau  
Abstain: Mayor Pro Tem Snell

#### CONTRACTS AWARDED

Councilmember Trevino moved that the Council adopt a resolution awarding the following contract:

AIR CONDITIONING, INC. 5005 East Ben White Austin, Texas	- Capital Improvements Program, Austin Recreation Center, Pan American Recreation Center, Fiesta Gardens. Modifications and removal of architectural barriers to the handicapped - \$228,000.
--	---

The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,  
Mayor Pro Tem Snell, Councilmember Hofmann  
Noes: None  
Absent: Councilmember Himmelblau



Councilmember Trevino moved that the Council adopt a resolution awarding the following contract:

ALLIED PAINTING COMPANY, INC.  
103 Red Bird Lane  
Austin, Texas

- Remodeling for City of Austin Dental  
Clinic, 2334 Rosewood Avenue -  
\$45,695.00.

The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,  
Mayor Pro Tem Snell, Councilmember Hofmann  
Noes: None  
Absent: Councilmember Himmelblau

#### SELECTION OF ENGINEERING SERVICES

Councilmember Hofmann moved that the Council adopt a resolution to select the firm of HAM-NER CONSULTING ENGINEERS for Engineering Services in connection with the following project:

Energy Conservation Study for City Buildings

The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem  
Snell, Councilmembers Hofmann, Lebermann  
Noes: None  
Absent: Councilmember Himmelblau

#### APPLICATION TO TEXAS DEPARTMENT OF COMMUNITY AFFAIRS FOR SOCIAL POLICY

Councilmember Trevino moved that the Council adopt a resolution for an application to the Texas Department of Community Affairs for \$25,000 to assist in the City's effort to develop a social policy and to provide the local match required by the \$70,000 grant recently awarded the City by the Texas Municipal League. The motion, seconded by Mayor Friedman, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem  
Snell, Councilmembers Hofmann, Lebermann, Linn  
Noes: None  
Absent: Councilmember Himmelblau

#### ACQUISITION OF CERTAIN LAND

Councilmember Linn moved that the Council adopt a resolution for the Capital Improvements Program, East Riverside Drive Project, authorizing the acquisition of certain land:

1.78 acres of land out of the Santiago Del Valle Grant, E.  
Riverside Drive at Pleasant Valley Road (Dickson Properties,  
Inc. and Roberta P. Crenshaw)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Hofmann, Lebermann, Linn, Trevino  
Noes: None  
Absent: Councilmember Himmelblau

Councilmember Linn moved that the Council adopt a resolution for the Capital Improvements Program, South Austin Multi-Purpose Center, authorizing the acquisition of certain land:

3.66 acre tract of land out of the Isaac Decker League,  
2511-2513 South First Street (H. G. West Estate)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Hofmann, Lebermann, Linn, Trevino  
Noes: None  
Absent: Councilmember Himmelblau

Councilmember Linn moved that the Council adopt a resolution for the Capital Improvements Program, South Austin Multi-Purpose Center, authorizing the acquisition of certain land:

0.56 acres of land out of the Isaac Decker League, 2601  
South First Street (Park Forest Enterprises, Inc.)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Hofmann, Lebermann, Linn, Trevino  
Noes: None  
Absent: Councilmember Himmelblau

#### REQUEST TO CONDUCT SKI RACES ON LAKE AUSTIN

The Council had before it for consideration a request by Mr. B. L. Mince, owner of Lake Austin Lodges, to hold ski races on Lake Austin the first weekend (Sunday afternoon only) of each month from November, 1976, through April, 1977, between the hours of 1:00 p.m. and 6:00 p.m. (Navigation Board recommends approval.)

#### Motion

Councilmember Linn moved that the request be denied. The motion was seconded by Councilmember Hofmann.

Councilmember Trevino stated that the Council had received a memo from Mr. Jack Robinson, Director of Parks and Recreation, stating that it would be good for the County Commissioners to have input regarding this matter before it is approved, since the County parks are near Lake Austin Lodges. Mr. Robinson stated that his concern was in the area of lake control.

In response to Councilmember Linn's question, Mr. Lonnie Davis, Director of Building Inspection, stated that this would not result in officially blocking off part of the lake.

#### Substitute Motion

Councilmember Trevino moved that the Council refer the matter to the County Commissioners for their input and have the request back on the agenda on January 13, 1977. The substitute motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Trevino, Mayor  
Friedman, Mayor Pro Tem Snell  
Noes: Councilmember Linn  
Absent: Councilmember Himmelblau

#### DEMOLITION OF STRUCTURES

Councilmember Linn moved that the Council adopt a resolution authorizing demolition of structures as follows:

Accept negative and positive bids - to be demolished

1. 2701 Drury Lane	Clarence Cullen Co.	\$391.00
2. 201 Guadalupe	Jim Townsley	\$ 50.99
3. 306-308 West 2nd Street	Jim Townsley	\$701.99

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino,  
Mayor Friedman, Mayor Pro Tem Snell  
Noes: None  
Absent: Councilmember Himmelblau

#### ITEM CONCERNING SUBSTANDARD STRUCTURES

Councilmember Linn moved that the Council accepted the recommendations from the Building Standards Commission that the Law Department take proper legal disposition of the following substandard structures, which have not been repaired or demolished within the required time:

1. 6017 Atwood Street	Andrew J. Anderson, owner
2. 316 Saxon Drive	Bobbie Hodge, owner

- |                                  |                                      |
|----------------------------------|--------------------------------------|
| 3. 94 Canadian Street            | San V. Quintanilla, owner            |
| 4. 4803 Lott Avenue              | Gracie Tasby, owner                  |
| 5. 2044 (Rear B) East 1st Street | Alfred Saxon, owner                  |
| 6. 1602 Morgan Lane              | Larry Prather, owner                 |
| 7. 2422 (Rear) East 7th Street   | O. A. Willhoite, owner               |
| 8. 906 East 10th Street          | John Joseph, owner                   |
| 9. 908 East 10th Street          | Select Properties Corporation, owner |
| 10. 904 (D) East 10th Street     | Select Properties Corporation, owner |

The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,  
Mayor Pro Tem Snell, Councilmember Hofmann  
Noes: None  
Absent: Councilmember Himmelblau

EMINENT DOMAIN PROCEEDINGS - WITHDRAWN

It was noted that eminent domain proceedings to acquire an air clearance easement above Lot 31, Harmon Terrace, locally known as 922 East 48-1/2 Street, 36 feet, (Jack Massey, et ux, owner) hhad been withdrawn.

RESETTING TAX APPEALS

Councilmember Linn moved that the Council reser the following tax appeals for January 28, 1977, at 4:00 p.m.:

- |                                |   |
|--------------------------------|---|
| 1. Don Epperson                | 1 |
| 2. Aubrey R. Cartlidge         | 1 |
| 3. William R. Bright           | 1 |
| 4. Holiday Inn North and South | 2 |
| 5. J. D. Copeland              | 1 |

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro  
Tem Snell, Councilmembers Hofmann, Lebermann  
Noes: None  
Absent: Councilmember Himmelblau

APPROPRIATING CERTAIN FUNDS FROM AUDITORIUM AND CONVENTION  
CENTER FOR ENERGY CONSERVATION STUDY

Mayor Friedman introduced the following ordinance:

Councilmember Hofmann moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Hofmann, Lebermann, Linn

Noes: None

Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCE

Mayor Friedman brought up the following ordinance for its second and third readings:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: A 0.597 ACRE TRACT OF LAND, SAVE AND EXCEPT A 0.047 ACRE TRACT (TRACT 2) AND A 0.02 ACRE TRACT (TRACT 3), FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND, TRACT 2: A 0.047 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 3: A 0.02 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 9508 JOLLYVILLE ROAD (OLD BURNET ROAD) AT LOOP 360, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Clark L. & Dorice Jeffries, C14-76-088)

The ordinance was read the second time, and Councilmember Linn moved the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Hofmann, Lebermann, Linn, Trevino

Noes: None

Abstain: Mayor Friedman

Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

## ORDINANCE AMENDING SIGN ORDINANCE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 3-8 OF THE AUSTIN CITY CODE OF 1967 TO DELETE THE INSURANCE REQUIREMENT FOR AN OUTDOOR ADVERTISING LICENSE; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Hofmann, Lebermann,  
Linn, Trevino, Mayor Friedman  
Noes: None  
Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

TRUTH IN SELLING ORDINANCE  
SECOND READING

Mayor Friedman noted that the fiscal note portion of the ordinance was not completed so this would only be the second reading and when Mr. Lonnie Davis has completed it, then it would be on the agenda. This should be in approximately two weeks.

The motion ~~to include the following:~~

1. In first sentence of Part I after "no persons shall..." the addition of "contract to."
2. Instead of requiring an affidavit, one would have to provide a signed and dated statement by the seller.
3. The information that is given from the seller to the purchaser should be dated with the date that the seller acquired the information and that a 10-day leeway be given each seller.

Mayor Friedman brought up the following ordinance for its second reading:

AN ORDINANCE REGULATING THE SALE OF REAL PROPERTY BY REQUIRING THE PROVISION OF AN AFFIDAVIT CONTAINING CERTAIN DESIGNATED INFORMATION; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the second time, and Mayor Friedman moved that the ordinance be passed to its third reading. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Friedman, Mayor Pro Tem Snell  
Noes: None  
Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been passed through its second reading only.

#### ZONING ORDINANCE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS;  
THE WEST FIFTY FEET OF THE EAST 130 FEET OF LOT 10, BLOCK "B," MURRY PLAT SUBDIVISION, LOCALLY KNOWN AS THE REAR OF 5225 NORTH LAMAR BOULEVARD AND ALSO BOUNDED BY HUISACHE STREET, FROM "O" OFFICE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Eugene Wukasch and Earl Wukasch, C14-76-103)

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Friedman, Mayor Pro Tem Snell  
Noes: None  
Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCE WITHDRAWN

The following zoning ordinance was withdrawn:

FRANK SMITH	619 West 38th Street, also From "A" Residence
C14-76-092	bounded by King Street To "B" Residence
	Maiden Lane

#### APPROACH MAIN CONTRACT

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN APPROACH MAIN CONTRACT WITH BILL MILBURN, INC.; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Lebermann moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Lebermann, Trevino, Mayor Friedman  
Mayor Pro Tem Snell, Councilmember Hofmann  
Noes: Councilmember Linn  
Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

In response to Councilmember Linn's question, Deputy City Manager Homer Reed stated that this particular project was already under way when the policy was adopted and was included in the final report that was presented to the Council from the Approach Main Committee; the Committee recommended its approval.

#### AMENDING ORDINANCE RELATING TO MUFFLER REQUIREMENTS FOR BOATS

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 750807-A AND CHAPTER 29 OF THE CODE OF THE CITY OF AUSTIN OF 1967, BY ADDING CERTAIN SECTIONS; PROVIDING PENALTIES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro  
Tem Snell, Councilmembers Hofmann, Lebermann  
Noes: None  
Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

#### ORDINANCE LOWERING ELECTRIC RATES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCES NOS. 590910-F, 641210-H, 650909-F, 700129-D AND 700129-E BY ESTABLISHING AN INTERIM RATE ADJUSTMENT APPLICABLE TO THE RATES AND CHARGES FOR SALES MADE IN CONNECTION WITH THE ELECTRIC LIGHT AND POWER WORKS AND SYSTEM OF THE CITY OF AUSTIN; SAID INTERIM RATE TO APPLY TO ALL ELECTRIC BILLS TO WHICH A FUEL COST ADJUSTMENT CHARGE IS APPLIED; PROVIDING A QUARTERLY REVIEW OF THE INTERIM RATE ADJUSTMENT; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Hofmann moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Lebermann, carried by the following vote:



Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem  
Snell, Councilmembers Hofmann, Lebermann, Linn  
Noes: None  
Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND  
EDUCATION RESOLUTION

Mayor Friedman moved that the Council endorse the following resolution:

RESOLUTION

WHEREAS, Law Enforcement Officers throughout the State of Texas, recognizing the need to improve the level of performance of local law enforcement through training, education and minimum moral, mental and physical standards, sought and obtained legislation in 1965, creating the Texas Commission on Law Enforcement Officer Standards and Education; and

WHEREAS, since its creation, the Law Enforcement Commission has steadfastly pursued the aims of its creators and through its efforts 45 police academies have been created and certified; law enforcement instructors have been trained and certified and have taught thousands of Texas Law Enforcement officers in such academies; law enforcement degree programs have been established in 44 junior colleges and 32 universities, teaching a total of 13,996 students in the last semester alone; management training for police administrators has been provided; records management systems for local law enforcement agencies have been developed; validated entry examinations have been developed and implemented for police applicants; and through all these efforts the average educational level of more than 30,000 law enforcement officers in the State of Texas has increased significantly; and

WHEREAS, all of these achievements by the Commission have been accomplished without a charge by the Commission to the officer or the community in which the law enforcement department is located; and

WHEREAS, the Commission has previously relied primarily on federal grants from the Governor's Criminal Justice Division for its funding, with the State furnishing only 18% of the total budget from state general revenue funds; and

WHEREAS, the Criminal Justice Council has passed a written resolution declaring that under its policies it can no longer fund the activities of the Commission after September 1, 1977, and that such funding should be secured from State general revenue funds; and

WHEREAS, the Legislative Budget Board has voted to recommend to the legislature that the Texas Commission on Law Enforcement Officer Standards and Education be merged with the Board of Private Investigators and Private Security Agencies, and has not only failed to recommend adequate funding for the Commission, but has recommended reducing by 29% the State's current funding of the Commission out of general revenue funds; and

WHEREAS, it is imperative that the Texas Commission on Law Enforcement Officer Standards and Education remain an independent public service agency dedicated solely to the service of law enforcement, and not be joined with a private industry agency governing activities operated for private profit; and that adequate funding from State general revenue funds be provided to ensure the continued activities of the Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF AUSTIN, TEXAS, as follows:

1. That the Legislative Budget Board reconsider its position and action in voting to merge the Texas Commission on Law Enforcement Officer Standards and Education with the Board of Private Investigators and Private Security Agencies; or upon failure of the Legislative Budget Board to reverse its decisions that the legislature vote against such merger.
2. That the Texas Commission on Law Enforcement Officer Standards and Education remain an independent agency dedicated solely to the service of law enforcement officers and departments throughout the State.
3. That the Texas Commission on Law Enforcement Officer Standards and Education be funded entirely from state general revenue funds. Funds can be assured for these purposes without additional taxes by voting for a bill adding a sufficient amount to the court costs assessed law violators who necessitate the establishment and maintenance of the criminal justice system.

Be it further resolved that a copy of this resolution be forwarded to the Governor, to each member of the Legislative Budget Board and each State Representative and State Senator, in order that they may have made known to them the extreme gravity and public concern which we hold for the matters expressed in this resolution.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Great Seal of the City of Austin, Texas, to be affixed this 30th day of December, 1976, A.D.

The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Hofmann, Lebermann, Linn, Trevino

Noes: None

Absent: Councilmember Himmelblau

Mayor Friedman pointed out that there had been a recommendation that the Law Enforcement Officers be merged with two non-law enforcement groups as well as a cut in their budget. This recommendation has been made by the Legislative Budget Board. He stated that this would be something he would be working on to make sure that the Commission was not "gutted." Councilmember Lebermann agreed with the Mayor that a merger of the two groups would certainly not be in the best interest.

## REPORT ON SUB-SPECIALTY MEDICAL CARE COST PROPOSAL

Councilmember Lebermann moved that the Council approve in principle the payment of \$5,000 to each Neurosurgeon who is on call to the hospital and emergency room to defray a portion of their malpractice insurance expense for the period from January 1, 1977, through June 30, 1977. (The City's total cost for the 6-month period will be \$25,000) The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Hofmann, Lebermann,  
Linn, Trevino, Mayor Friedman  
Noes: None  
Absent: Councilmember Himmelblau

## ESCORT FEES FOR HOUSE MOVING AND OVER-SIZE LOADS

MS. LEE THOMSON, Analyst, Research and Budget Department, presented the following proposed fees for house moving and oversize loads:

Type of Service	Cost For Service		
	Police (on Duty)	Electric	Building Inspection
Housemoves	\$11 per officer-hour	No change	\$20 inspection fee (no change) \$55 deposit
Oversize loads	\$11 per officer-hour	\$100 for first intersection & \$50 for each additional intersection	Not applicable

The proposed fees would cover only costs to the City for the services. Recommendations for funeral and parade escorts will be presented in a later report. Mayor Friedman suggested that the funeral and parade escort fees report be presented on January 6, 1977, and at that time set a date to bring in the appropriate ordinances for all of the escort fees.

In response to Mayor Pro Tem Snell's question regarding the continuing increase of fees, Mayor Friedman stated that due to budgetary restrictions, any attempt to locate new revenue had to be reflected in a fee.

The Council took no action at this time on the proposed escort fees for housemoving and oversize loads.

AFTERNOON SESSION  
2:00 P.M.

Mayor Friedman noted all members were present.

EXECUTIVE SESSION ACTION

Mayor Friedman announced the Council had met in an Executive Session earlier to discuss certain legal matters.

Councilmember Lebermann moved that the Council authorize the City Attorney to enter into a contingent fee contract with Blazier and Seymour on anti-trusts actions on Master Key and Plywood. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

Mayor Friedman stated that the City Attorney would proceed in typical fashion in filing an answer to the lawsuit filed against the district and at large election that is now pending which will be a general denial.

DISCUSSION OF ELECTRIC UTILITY BILLS

Mayor Friedman opened the proceedings scheduled for 2:00 p.m. MR. ORVILLE FARMER stated that Mr. Oscar Wyatt, owner of LoVaca and Coastal States gas companies, was collecting twice for the cost of gas, once from the electric utility companies and again from the consumer. Mayor Friedman explained to Mr. Farmer that he was appealing before the wrong group and that he needed to get in touch with the Lower Colorado River Authority, which operates the system that he is on. Mr. Farmer called for an amendment for a public vote on how the Citizens' money is used rather than having the Texas Railroad Commission make the decisions.

TREE REGISTRY

Mr. T. JONES presented \$2500 to the City on behalf of the City National Bank for the purpose of publishing a Tree Registry for the City of Austin,

Councilmember Hofmann, moved that the Council accept the \$2500 from the City National Bank. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau  
Noes: None

## APPEARANCE TO DISCUSS POLICE DEPARTMENT

Mr. LEO HERNANDEZ, Chairman of East Austin Civic Association requested to appear before the Council to discuss the Police Department. However, this appearance was withdrawn.

## CLOSING OF STREET

MS. ANN RICHARDS, County Commission Elect, requested the closing of the 600 block of Sabine Street on January 1, 1977, for the purpose of holding swearing-in ceremonies for Commissioner Richards.

Councilmember Lebermann moved that the Council approve the closing of the 600 block of Sabine Street for the swearing-in ceremony. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,  
Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann  
Noes: None

## PUBLIC HEARING ON SPECIAL PERMIT

Mayor Friedman opened the public hearing scheduled for 2:30 p.m. on an appeal of the Planning Commission's decision denying a special permit to the Shoal Creek Hospital, C14p-76-043. He stated that the hearing had been requested to be postponed.

Councilmember Lebermann moved that the Council postpone the public hearing but not include any specific date for the hearing. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro  
Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: None

## PUBLIC HEARING ON SOUTHERN UNION GAS COMPANY RATE APPLICATION

Mayor Friedman opened the public hearing scheduled for 3:00 p.m. on the Southern Union Gas Company's rate application, filed on September 1, 1976. He introduced DON BUTLER, utility consultant to the City of Austin. Mr. Butler stated that the Southern Union Gas Company had filed a rate application on September 1, 1976, to become effective on October 6, 1976. The company had requested \$2,361,365 per annum, above the cost of gas which is automatically regulated. This increase in cost, other than gas, would amount to 30%. Mr. Butler stated that they were recommending an increase for cost other than gas in the amount of \$792,416, which would be only a 10% increase in cost.

Mr. Butler referred to the report submitted to Council. He stated that the company's rate base was projected to be \$35,180,961 whereas it should be \$27,907,006. He stated that they used 1975 as a test year in the report and

that they used a plan which was useful to the customer during a test year. They reduced the company's rate base by cutting out customer-contributed capital and also made adjustments to the trending of the company's current cost. He stated that they had followed the company's recommendation to give 60% weight to the company's original cost and 40% weight to their current cost. He stated that were the case to be appealed, they would present a case that would be favorable to the rate payer and would keep with the basic policy of the company.

Mr. Butler then referred to Schedule 1 of the Hess and Limm, Inc. report. Schedule 1 showed a fair value rate base of \$27,907,006; earnings allowable at 8.00% were \$2,232,560; earnings at presently effective rates, after pro forma adjustments were \$1,836,954; earnings deficiency at presently effective rates were \$395,606 and the revenue deficiency showed \$792,416.

Mr. Butler then went to Schedule 2 of the report. Schedule 2 showed an original cost of \$23,511,650; a reproduction cost new of \$40,870,534; fair value of net plant in service at 60% original cost and 40% reproduction cost new of \$30,455,204; cash working capital of \$628,383; advances and contributions in aid of construction was \$1,020,860; reserves for accumulated deferred federal income taxes of \$2,155,721; a fair value rate base of \$27,907,006 and a return at 8.00% of \$2,232,560.

Mr. Butler recommended that the Council take action on the rate application that day. He also recommended an ordinance to the effect that if the company did not accept the City rate proposal, that the rates would stay the same. Mr. Butler stated that he had an ordinance prepared. Mayor Friedman asked Mr. Butler what the original and current cost would be at a 70/30 percent ratio. Mr. Butler stated that it would probably reduce the amount the company would receive by another \$100,000.

Mr. ROBERT LACZKO, representing the Southern Union Gas Company, stated that Mr. Butler's presentation was the first time they had had a chance to see the figures projected by the rate consultant. He therefore stated that he would like an opportunity to review the material prior to making any kind of comment as to the content. He stated that 10 days would be sufficient. Mayor Friedman asked Mr. Laczko whether or not there would be a rate increase in gas service during the interim 10-day period. Mr. Laczko stated that there would not be. Mr. Butler suggested that the City get a statement in writing to the effect that rates would not be increased during this period. Mayor Friedman suggested that the statement read that Southern Union would not attempt to increase rates prior to Council action on January 13, 1977.

#### CITY MANAGER'S REPORT ON THE DESIGN FOR THE WILLIAM CANNON DRIVE

Mr. Bill Bulloch of the Urban Transportation Department told the Council that the staff had met with the Whispering Oaks Neighborhood Association and other residents in the area. He stated that one of the main concerns expressed was pedestrian safety with respect to intersections. Relation of the street to existing development and the width of the median were mentioned as other considerations.

He stated that as a result of the meeting, his Department was recommending that the intersection of William Cannon Drive and Manchaca Road be re-designed, to make the intersection smaller for safety purposes. Also that the area be landscaped along William Cannon Drive between Manchaca Road and Whispering Oaks immediately after the project is completed. Four-way stops at William Cannon Drive, Westgate and Brodie Lane, and sidewalks on both sides of William Cannon Drive between Manchaca Road and Whispering Oaks, and a bike path on the south side of the project that will run the entire length of the project between Manchaca Road and Brodie Lane.

Mr. Bulloch stated that there was still discussion over the median. He stated that the residents of the area favored a small median with future street widening to the outside towards the houses, whereas, the City favors a larger median with future widening planned to the inside of the median. Mr. Bulloch recommended that the current design for the median be maintained because of time, the cost of re-engineering the design and the additional cost to be incurred if and when the third lane is added to each side of the street.

Councilmember Linn asked Mr. Bulloch what the additional cost of a third lane would be. He stated that the cost would be \$400,000 for the widening and an additional \$30,000 for re-engineering of the design. Councilmember Linn asked what the cost would be if the street were widened to the outside. Mr. Bulloch stated that the cost would be \$600,000 whereas widening to the inside of the median would cost \$200,000, a difference of \$400,000. Mr. Bulloch stated that widening the street to the outside is more expensive because driveways have to be re-designed and storm drains located to the outside of the road would have to be relocated.

MR. ROBERT FINLEY of the Whispering Oaks Neighborhood Association spoke before the Council. Mr. Finley distributed a history of the contacts his association has had with the City and also some comments on the memo from Mr. Bulloch. Mr. Finley referred to item 2 of the memo which states that the median will be landscaped from Manchaca Road to a point near Whispering Oaks Drive. He stated that the proposal called for landscaping of only a 1-block portion of the drive. Mr. Bulloch stated that this area which ran through the residential section, would be landscaped first with the intent to landscape the entire drive in the future. Mr. Finley also referred to item 4 which states that the staff agreed to recommend to the City Council that through truck traffic be prohibited on this segment (between Manchaca Road and Whispering Oaks Drive) of William Cannon Drive. Mr. Finley stated that the term "this segment" implied prohibition of truck traffic in the Manchaca Road/Whispering Oaks Drive area only. Mr. Bulloch again stated that the prohibition of truck traffic would apply along the entire length of William Cannon Drive.

Mr. Finley stated that his organization felt that the gap between the two opposing median plans could be narrowed if the City and his organization could sit down and consider some of the things inherent in the 38-foot median plan. Mr. Finley stated that they would be willing to meet with the City staff at the staff's convenience. Councilmember Lebermann suggested that the Council could meet with Mr. Finley's organization again the following week.

Councilmember Hofmann asked Mr. Finley how many residences were adjacent to William Cannon Drive. Ms. Marilyn Simpson answered stating that there are 6 residences that are exactly on William Cannon Drive. However, she stated that

in speaking about effect you would have to consider parallel streets where there are backyards adjacent to William Cannon Drive as well. She said that this made the number of effected residences about 30 or 40. She stated that some of the residences were 25 to 30 feet from the roadway and that highways are usually situated 250 feet from any residences. Mr. Bulloch stated that William Cannon Drive would not be a high-speed highway. Ms. Simpson suggested that the City purchase acreage to serve as what she termed a "green belt", that would act as a noise barrier between residences and William Cannon Drive.

Councilmember Hofmann moved that the Council request that Mr. Bulloch get together with the Whispering Oaks Neighborhood Association prior to the next Council meeting on January 6, 1977, and that the William Cannon Drive project be placed on the agenda for the same date under City Manager reports. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None

#### REPORT ON PLANNING OPTIONS FOR ALLOCATING HCD FUNDS

Mr. Dick Lillie stated that planning options for allocating the \$1.9 million of HCD funds have been made possible as a result of the water and wastewater bond referendum.

Federal regulations on reallocation require a procedure of either reprogramming or budget amendment. Mr. Lillie stated that the three options for reallocation would include time schedules for both the reprogramming and budget amendment procedures. Each option would also permit reallocation steps to begin immediately and maintains the flexibility to accommodate either federal procedure.

The schedules, which may be altered somewhat, are best estimates of optimum time frames. Options I and II provide for the completion of reallocation by February 24. Option III indicates that reallocation may be accomplished by January 27, 1977.

If reprogramming is required as opposed to a budget amendment, the release of funds for each of the options will be extended by 30-45 days, primarily because A-95 review is required.

#### OPTION I

Instruct the Planning Commission and the Community Development Commission to appoint a joint subcommittee (3 members from each Commission) to review pertinent information regarding community development needs and projects and to present their recommendations to the Community Development Commission for review. The Planning Commission will consider the recommendations of both the Community Development Commission and the joint subcommittee, and with the Community Development Commission, present a joint recommendation for consideration by the City Council at a public hearing.

The Council will hold a second public hearing and adopt projects for submission to HUD as a reallocation of HCD funds.



Schedule for Option I

If budget amendment is required	If reprogramming is required
---------------------------------	------------------------------

January 6	January 6	Instruct Planning Commission and Community Development Commission to present a joint recommendation on February 17
January 31	January 31	Subcommittee presents recommendations to Community Development Commission
February 8	February 8	Community Development Commission presents recommendations to Planning Commission
February 17	February 17	Council holds public hearing and receives Planning Commission and Community Development Commission recommendations
February 24	February 24	Council holds public hearing and adopts projects
March 3	March 3	Publicity for environmental assessment begins
March 3	March 14	Completion of required forms and certifications
Not applicable	March 15	A-95 review
March 4	April 15	Submit to HUD
April 12 <sup>+</sup>	May 9 <sup>+</sup>	HUD release of funds

OPTION II

Instruct the Planning Commission to prepare a recommendation for Council consideration.

The Planning Commission will review the needs and project recommendations prepared for the original 1976 HCD application and develop preliminary recommendations for review by other boards and commissions.

The final recommendations of the Planning Commission will be presented, after receipt of other board and commission recommendations, for consideration by Council at a public hearing.

The City Council will hold a second public hearing and adopt projects for submission to HUD as a reallocation of HCD funds.

Schedule for Option II

If budget amendment is required	If reprogramming is required
---------------------------------------	---------------------------------

January 6	January 6	Planning Commission instructed to present recommendations on February 17
January 18	January 18	Planning Commission submits preliminary recommendations and support material to boards and commissions
February 8	February 8	Planning Commission receives recommendations of boards and commissions
February 17	February 17	Council holds public hearing and receives Planning Commission recommendations
February 24	February 24	Council holds public hearing and adopts projects
March 3	March 3	Publicity for environmental assessment begins
March 3	March 14	Completion of required forms and certifications
Not Applicable	March 15	A-95 review
March 4	April 15	Submit to HUD
April 12 <sup>+</sup>	May 9 <sup>+</sup>	HUD release of funds

OPTION III

Council may conduct a public hearing to receive recommendations from boards, commissions and other citizens and instruct the City Manager to prepare a recommendation for Council consideration.

The Council will hold a second public hearing to consider the staff proposal and additional recommendations, and to adopt projects for submission to HUD as a reallocation of HCD funds.

Schedule for Option III

If budget amendment is required	If reprogramming is required	
January 6	January 6	Set public hearing for January 13
January 13	January 13	Hold public hearing and instruct City Manager to make recommendations on January 27
January 27	January 27	Hold public hearing and adopt projects
January 31	January 31	Publicity for environmental assessment
January 31	February 14	Completion of required forms and certifications
Not Applicable	February 15	A-95 review
February 1	March 17	Submit to HUD
March 11 <sup>±</sup>	April 15 <sup>±</sup>	HUD release of funds

Due to scheduling requirements, Options I and II greatly increase the probability of confusion and conflict between reallocation of 1976 HCD funds and the 1977 HCD application process.

Mr. Lillie felt it would be important for the Council to adopt a time schedule to receive reports so the boards and commissions would have an idea of when they should report to the Council.

Councilmember Linn noted that most of the projects deal with the Community Development Districts and felt that the proper body for this would be the Community Development Commission. Councilmember Trevino suggested that the CDC and the Planning Commission be given ample time to review and recommend to the Council, but that the CDC be the primary body. Mr. Lillie stated that this would be fine. Mayor Friedman pointed out that the HCD is not funding just low income areas but is a City-wide program for anyone for the low to moderate areas. Councilmember Linn stated that she would like to see the Community Development Commission list their priorities and reallocations as well as the Planning Commission doing this. Councilmember Trevino pointed out that money had already been allocated for the Shady Lane project.

LOIS WATSON, Chairperson of the Community Development Commission, reviewed the recommendations of the Commission. Councilmember Himmelblau felt that it is very important to have the Planning Commission included in the process.

Motion

Councilmember Trevino moved that the Council continue on the same planning mode that is presently operating and with the second year funding with HCD, and that the Council set a public hearing for January 27, 1977, at 7:00 p.m. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn, Trevino  
Noes: None

Motion

Councilmember Trevino moved that the Council use the same process regarding the 1977 HCD Application on the third year funding. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau,  
Hofmann, Lebermann, Linn, Trevino, Mayor Friedman  
Noes: None

## SOUTHERN UNION GAS HEARING

Mr. Don Butler returned later in the meeting stating that he and Mr. Laczko had come to agreement on the terms of the statement to not increase rates during the interim 10-day period.

Mayor Friedman moved that the Council close the public hearing on the Southern Union Gas Company rate increase application and reset January 13, 1977, at 3:00 p.m. to take action on the request. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None


## ADJOURNMENT

The Council adjourned at 3:52 p.m.

APPROVED

  
Mayor

ATTEST:

  
City Clerk